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Message Text

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ACTION STR-04

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 STRE-00 AGRE-00
CEA-01 CIAE-00 COME-00 DODE-00 EB-07 FRB-03 H-01
INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05
CIEP-01 SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02
FEAE-00 OMB-01 XMB-02 OPIC-03 /111 W
----------111257Z 004196 /43
P R 111135Z JAN 77
FM USDEL MTN GENEVA
TO SECSTATE WASHDC PRIORITY 2166
INFO USMISSION EC BRUSSELS
AMEMBASSY OTTAWA
AMEMBASSY TOKYO

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ACTION STR FOR FEKETEKUTY, GREENWALD, FLAGG

E.O. 11652: NA
TAGS: ETRD MTN
SUBJ: NOTIFICATION OF FOREIGN EXPORT RESTRICTIONS TO GATT
NTM INVENTORY

REF: (A) 75 MTN GENEVA 8080 (NOTAL), (B) 76 MTN GENEVA 9961
(C) HARTZELL-GREENWALD (STR) LETTER, AUGUST 27, 1976

1. SUMMARY: MTN DEL RECOMMENDS USG NOTIFICATION OF FOREIGN EXPORT RESTRICTIVE MEASURES TO GATT NTM INVENTORY PRIOR TO FIRST SUBSTANTIVE MEETING OF MTN FRAMEWORK GROUP WEEK OF FEBRUARY 21. END SUMMARY.

2. WE UNDERSTAND VIA INFORMAL DISCUSSIONS WITH STR AND OTHER WASHINGTON AGENCIES OVER PAST SEVERAL MONTHS THAT USG NOTIFICATIONS OF EXPORT RESTRICTIVE MEASURES TO GATT NTM INVENTORY, AS RECOMMENDED REF A, ARE NOW IN FINAL LIMITED OFFICIAL USE

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DRAFT STAGE PENDING FORMAL DECISION TO TJANSMIT TO THE GATT. PRIMARY PURPOSE OF THESE NOTIFICATIONS IS INFORMATIONAL, I.E., TO CREATE FOR THE FIRST TIME IN THE GATT A CATALOGUE OF SPECIFIC CASES ILLUSTRATING DEFICIENCIES OF CURRENT GATT RULES ON EXPORT RESTRICTIONS. SINCE U.S., IN CONTEXT OF NEW MTN FRAMEWORK GROUP, MUST BE PREPARED TO INITIATE

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DISCUSSION OF THOSE GATT RULES AS EARLY AS WEEK OF FEBRUARY 21 (REF B), IT IS URGENT THAT WE FILE NOTIFICATIONS PRIOR TO THAT TIME. WHILE DEBATING DETAILS OF INDIVIDUAL NOTIFICATIONS NOT APPROPRIATE TO FEBRUARY MEETING OF FRAMEWORK GROUP, FAILURE TO HAVE NOTIFIED BY THEN WOULD INCREASE CHANCES THAT SUBSTANTIVE DISCUSSION OF GATT RULE IMPROVEMENTS WILL GET OFF TO BAD START BY PERMITTING FAMILIAR OBJECTION THAT U.S. WANTS AVADEMIC DICUSSION OF GATT RULES IN ABSTRACT WITHOUT ANY BEDROCK OF REAL CASES. (REF C, CIRCULATED BY STR TO WASHINGTON AGENCIES, DISCUSSED THIS PROBWEM IN DETAIL.)

3. MTN DEL THEREFORE RECOMMENDS, SUBJECT TO QUALIFICATIONS NOTED BELOW, THAT NOTIFICATIONS BE FORWARDED TO US AS SOON AS POSSIBLE (AND IN ANY CASE WELL BEFORE WEEK OF FEBRUARY 21), WITH AUTHORIZATION TO TRANSMIT TO GATT.

4. DELEGATION URGES THAT US.S. NOTIFICATIONS INCLUDE A REPRESENTATIVE SAMPLE OF SIGNIFICANT AGRICULTURAL EXPORT RESTRICTIONS. WE ARE CONCERNED THAT WASHIN59, -00-43,5LY INTENDS TO EXCLUDE NOTIFICATION OF EXPORT RESTRICTIONS ON KEY AGRICULTURAL PRODUCTS SUCH AS GRAINS, FAT AND OILS, SUGAR, FOOD PRODUCTS, ETC. THIS WOULD HAVE THE UNFORTUNATE EFFECT OF:

(A) IMPLYING (INCORRECTLY) THAT OUR CONCERN WITH EXPORT RESTRICTIONS IS LIMITED TO INDUSTRIAL PRODUCTS;

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(B) STRENGTHENING THE ARGUMENT THAT WHATEVER IMPROVED RULES ON EXPORT RESTRICTIONS ULTIMATELY EMERGE ARE NOT APPLICABLE OR RELEVANT TO AGRICULTURAL PRODUCTS;

(C) IMPLYING A SIGNIFICANT WEAKENING OF THE USG'S GENERAL POSITION IN THE MTN OF TAKING A GLOBAL APPROACH INCLUDING BOTH INDUSTRIAL AND AGRICULTURAL TOPICS; AND

(D) LETTING SOME OF OUR MAJOR TRADING PARTNERS LIKE THE EC OFF THE HOOK OF EXPLAINING HOW SOME OF THEIR IMPORTANT POLICY MEASURES FIT INTO THE FRAMEWORK OF TRADING RULES.

5. WE ALSO HAVE THE IMPRESSION THAT SOME SIGNIFICANT CURRENT EXPORT RESTRICTIONS (SOME OF WHICH HAVE ATTRACTED PRESS NOTORIETY) ARE NOT INCLUDED IN THE CURRENT DRAFT LIST AND WE ARE UNCLEAR AS TO BASIS FOR THEIR EXCLUSION (E.G.,

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PHILIPPINE LOG MEASURES, RECENT MEXICAN EXPORT TAXES,
AND CANADIAN PROVINCIAL MINERAL MEASURES). LIKEWISE,
SINCE NOTIFICATIONS OUGHT TO GIVE BEST EVIDENCE
AVAILABLE OF DESTABILIZING MANNER IN WHICH EXPORT
RESTRICTIONS CAN BE AND HAVE BEEN USED, WE RECOMMEND
INCLUDING SIGNIFICANT RECENT MEASURES WHICH MAY NO LONGER
BE IN EFFECT BUT WHICH HELP TO MAKE THE CASE (E.G.,
EC EXPORT LEVIES).

6. MTN DEL HAS HAD REPEATED INDICATIONS FROM BOTH EC
AND JAPANESE DELS THAT THEY TOO COULD FIELD MODEST SET
OF NOTIFICATIONS GIVEN SUFFICIENT IMPETUS -- SUCH AS U.S.
DECISION TO MOVE AHEAD. AT SAME TIME THEY HAVE REQUESTED
SOME ADVANCE CONSULTATION WHEN WE FINALLY MAKE DECISION
TO FILE NOTIFICATIONS. THEREFORE, ASSUMING AFFIRMWTIVE
WASHINGTON DECISION, WE WOULD NEED FINAL SET OF
NOTIFICATIONS IN GENEVA IN TIME TO CONSULT
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WITH JAPAN AND EC BEFOREHAND, WELL IN ADVANCE OF WEEK OF
FEBRUARY 21.

7. ACTION REQUESTED: FORWARDING TO MTN DEL BY
FEBRUARY 1 OF FINAL APPROVED LIST OF EXPORT RESTRICTION
NOTIFICATIONS, MODIFIED IF NECESSARY TO TAKE INTO ACCOUNT
ABOVE COMMENTS, WITH AUTHORIZATION TO TRANSMIT TO
GATT FOR INCLUSION IN NTM INVENTORY PRIOR TO FRAMEWORK
GROUP MEETING WEEK OF FEBRUARY 21.WALKER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Control Number: n/a
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Sent Date: 11-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MTNGE00121
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: MTN GENEVA
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770163/aaaacdbj.tel
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 MTN GENEVA 8080, 76 MTN GENEVA 9961
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3625811
Secure: OPEN
Status: NATIVE
Subject: NOTIFICATION OF FOREIGN EXPORT RESTRICTIONS TO GATT NTM INVENTORY
TAGS: ETRD, MTN
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/c0162fdb-c288-dd11-92da-001cc4696bcc
Review Markings:
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